

### REMARKS

The Office Action of December 16, 2005 has been carefully studied. All the claims are now rejected over two newly cited references: Lee et al. U.S. 6,244,070 and Foglietta et al. U.S. 6,712,880.

The Foglietta et al. reference has a filing date of October 22, 2001 and is based on two provisional applications, the earliest being number 60/272,417 filed on March 1, 2001.

Inasmuch as Applicants' French priority application 01/01.840 was filed on February 12, 2001, it antedates the earliest date of Foglietta et al., and to obtain the benefit of the priority date of February 12, 2001, enclosed herewith is a certified English translation of the text of French priority document number 01/01.840. By inspection, it is seen that the priority document supports the claims at issue, e.g. page 2, line 30 through page 3, line 5, especially on lines 1 and 2 of page 3 where it is clear that Applicants' invention involves recycling to the cold separator of at least a portion of the liquid effluent that is obtained from the absorber which is mixed with the feedstock. Accordingly, it is proper to withdraw the rejection of Applicants' claims over Foglietta et al. In addition, Applicants do not necessarily acquiesce to any of the statements in the Office Action regarding the reference and reserve the right to distinguish the reference at a later date if ever necessary.

With respect to the Lee et al. reference, Applicants have studied this reference in detail, but cannot find any teachings of passing a mixture of feed with recycled liquid from an absorber to a separation apparatus. The bottom stream from the absorber in Applicants' invention is characterized as a recycle stream because it contains components of the separated gas withdrawn from the cold separator, notwithstanding that it also contains the liquid absorbent as well. Referring to Applicants' drawing, the recycle stream is fluid (3) emerging from the bottom of absorber (C1) where it is then mixed with the feed in conduit 1, and the resultant mixture is passed into the RF1 refrigeration unit and then into the cold separator tank (D1).

A review of the drawings of Lee et al. shows that there is no absorber in comparative Fig. 1, and in Figs. 2, 6, 7, 8 and 9 where an absorber is depicted, there is no description of any mixture of the fluid withdrawn from the bottom of the absorber being thereafter mixed with the feed, much less that such a mixture is then cooled and recycled to the absorber.

Applicants' French agent has offered the following additional more detailed analysis which corroborates the above.

In all the figures corresponding to the various embodiments of Lee, and especially in the parts cited by the examiner in his notification, we could not find any such recycling. In all cases, the feedstock (feed gas) is not mixed with anything before entering the separator 20 (nor 108 in fig. 8) equivalent to Applicants' cold separator D1. Indeed, in all the figures and written embodiments of Lee, the feedstock is separated into at least 2 streams (12 and 14, eventually 110 in fig 8) which are not mixed with any other stream before entering the separator 20 (or 108). These streams only undergo heat exchange with other streams in exchangers 16 and 18 (and eventually 106), without being mixed with such other streams.

There is neither any direct recycling to separator 20 (108). In all cases, the liquid effluent from the absorber 82 (equivalent to our absorber C1) goes into the separation column 24 through line 88 and 88a, and thus is clearly not recycled. Lee only teaches in figures 7, 8, 9 some recycling to the absorber 82 of gaseous phases (58-58a-86-86a-86b in fig. 7) partly condensed (i.e. not of the liquid issued from the absorber 82, see column 10 lines 43-50 of Lee), and as mentioned this recycling does not even go into the separator 20 (i.e. therefore is not equivalent to Applicants' recycling to Applicants' cold separator D1), but rather to the absorber.

Thus, we could not find either in column 11 or 12 cited by the examiner, or anywhere else, any mentioning of a recycling to the cold separator after mixing with the feedstock.

In view of the above discussion, it is respectfully submitted that it is proper to withdraw the rejection of Applicants' claims over Lee et al. under 35 U.S.C. 102(b). Furthermore, since Lee et al. makes no suggestion and provides no motivation to alter the complex and dynamic circuits depicted therein, a rejection under 35 U.S.C. 103 would also be improper.

In view of the above remarks, favorable reconsideration is courteously requested. However, if there are any residual problems which can be expeditiously resolved by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: PET-1984

Date: April 17, 2006  
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